

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 1034

By: Lawson

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6 AS INTRODUCED

7 An Act relating to children; amending 10A O.S. 2021,
8 Section 2-7-306, which relates to Youth Services
9 Agencies; providing which office may ask for certain
10 funds; and providing an effective date.

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13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 10A O.S. 2021, Section 2-7-306, is
15 amended to read as follows:

16 Section 2-7-306. A. Funds specifically appropriated to the
17 Office of Juvenile Affairs for designated Youth Services Agency
18 programs for both the Office of Juvenile Affairs and the Department
19 of Human Services or funds allocated by the Department of Human
20 Services for designated Youth Services programs and provided to the
21 Office of Juvenile Affairs by interagency agreement shall be made
22 available through contracts negotiated by the Office of Juvenile
23 Affairs to organizations designated by the Board of Juvenile Affairs
24 as "Youth Services Agencies". All core community-based programs and

1 services to be performed by a Youth Services Agency during a
2 contract period shall be included in one contract or contract
3 extension for that period. Designations of Youth Services Agencies
4 by the Board shall be granted based on community needs, as indicated
5 in the State Plan for Youth Services Agencies which shall be adopted
6 by rule by the Board. The State Plan for Youth Services Agencies
7 shall be adopted in accordance with criteria approved by the Board
8 of Juvenile Affairs after full consideration of any recommendations
9 of the Department of Human Services and the Oklahoma Association of
10 Youth Services. The criteria and plan adopted by the Board shall
11 designate community-based Youth Services Agency Service Areas that
12 will serve as the primary catchment area for each Youth Services
13 Agency. Until the criteria is established by the Board, the
14 criteria established by the Commission for Human Services shall
15 remain in effect. The criteria for designation of Youth Services
16 Agencies shall include but shall not be limited to:

17 1. Capability to deliver all or part of the compensable
18 services enumerated in Section 2-7-303 of this title, if the Youth
19 Services Agency is to provide such services;

20 2. Capability to deliver all or part of the compensable
21 children's services that the Department of Human Services is
22 authorized to provide for by contract with a private agency, if the
23 Youth Services Agency is to provide such services;

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1 3. Adequate and qualified staff who are available as needed,
2 within a reasonable time after being contacted for services in each
3 county served by the agency;

4 4. Adequate services in the Youth Services Agency Area served
5 by the agency;

6 5. Financial viability;

7 6. A documented need for the local services to be offered as
8 determined by a local needs assessment for the Youth Services Agency
9 Service Area that shall be reviewed and approved or modified by the
10 Board and included in the State Plan for Youth Services Agencies;

11 and

12 7. Any negative impact on the ability to provide services or
13 the financial viability of an existing Youth Services Agency.

14 As used in this section, "financial viability" means the ability
15 of a Youth Services Agency to continue to achieve its operating
16 objectives and fulfill its mission over the long term. When
17 determining the financial viability of a Youth Services Agency, the
18 Office of Juvenile Affairs shall develop an analysis that takes into
19 consideration the three (3) previous fiscal years' financial audits,
20 if available; the previous fiscal year program audits, if available;
21 the current fiscal year financial position; and one-year future
22 revenue and expenditure projection.

23 B. The criteria for designation of Youth Services Agencies also
24 may include:

1 1. Successful completion of an initial peer review by the
2 Oklahoma Association of Youth Services or another Oklahoma nonprofit
3 corporation whose membership consists solely of Youth Services
4 Agencies and of whom at least a majority of Youth Services Agencies
5 are members; and

6 2. Such other criteria as the Board of Juvenile Affairs
7 determines appropriate.

8 C. Each Youth Services Agency receiving, by grant or contract
9 from the Department of Human Services on June 30, 1995, state funds
10 specifically appropriated for community-based youth services
11 programs, is hereby automatically designated a "Youth Services
12 Agency".

13 D. The Board of Juvenile Affairs, on recommendation of the
14 Office of Juvenile Affairs, may terminate the designation of a Youth
15 Services Agency that:

16 1. Is seriously deficient in the administration of its program;

17 2. Loses financial viability; or

18 3. Fails to successfully complete the annual peer review

19 process by the Oklahoma Association of Youth Services or another
20 Oklahoma nonprofit corporation whose membership consists solely of
21 Youth Services Agencies and of whom at least a majority of Youth
22 Services Agencies are members.

23 Before the Board of Juvenile Affairs terminates the designation
24 of a Youth Services Agency, the Office of Juvenile Affairs shall

1 complete a report documenting its reasons for the termination. The
2 report shall be submitted to the Board for review. The report shall
3 contain an analysis of the program administration, financial
4 viability and most recent peer review report of the Youth Services
5 Agency. The Office of Juvenile Affairs shall also develop a plan to
6 ensure that services provided by the Youth Services Agency whose
7 designation is being terminated shall continue to be provided by
8 another Youth Services Agency or agencies. In developing the plan,
9 the Office of Juvenile Affairs shall give full consideration to any
10 recommendations of the Oklahoma Association of Youth Services. The
11 plan shall be submitted to the Board as part of the report
12 documenting the reasons for termination of the Youth Services Agency
13 by the Office of Juvenile Affairs.

14 Any applicant organization denied designation as a Youth
15 Services Agency or any Youth Services Agency whose designation as a
16 Youth Services Agency is being terminated, is entitled to an
17 individual proceeding as provided in Article II of the
18 Administrative Procedures Act.

19 E. No Youth Services Agency shall be eligible to receive
20 funding until the beginning of the fiscal year after it receives its
21 designation as a Youth Services Agency unless it is replacing a
22 Youth Services Agency whose designation has been terminated. No
23 Youth Services Agency shall receive funding for the first time if
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1 such funding will result in lowering the contract amount from the
2 previous fiscal year for any existing Youth Services Agency.

3 F. The Office of Juvenile Affairs shall be the sole
4 administrator of Youth Services Agency contracts. Any contracting
5 procedure shall include a procedure for converting all contracts to
6 a system of payment which will be structured in a manner that will
7 allow for the receipt of all available federal funds. Provided, the
8 Office of Juvenile Affairs shall make no requirement that would
9 require a juvenile to be inappropriately diagnosed for the purpose
10 of receiving federal reimbursement for services.

11 G. The Office of Juvenile Affairs and the Department of Human
12 Services shall enter into a cooperative agreement that establishes
13 procedures to ensure the continuation of services provided for in
14 paragraph 2 of subsection A of this section by Youth Services
15 Agencies. The Office of Juvenile Affairs shall consult with the
16 Department of Human Services when assessing the capability of a
17 Youth Services Agency to deliver services pursuant to paragraph 2 of
18 subsection A of this section.

19 H. Funds for the support of Youth Services Agencies shall be
20 authorized by the Office of Juvenile Affairs only on the basis of
21 cost reimbursement performance contracts or fee-for-service
22 contracts as requested by the youth services agency. If a Youth
23 Services Agency provides some services on a fee-for-services basis
24 and some services on a cost reimbursement basis, no cost which has

1 | been included as part of the rate for services provided on a fee-
2 | for-service basis shall be reimbursable under the cost reimbursement
3 | portion of the contract. Fees charged for annual peer reviews shall
4 | be reimbursable.

5 | I. The Board may establish a fixed and uniform rate for any
6 | community-based prevention service, including services to
7 | individuals, groups, and community relations directed toward the
8 | larger community, so long as the segment of the larger community or
9 | target audience of persons to benefit is identified and the specific
10 | prevention activities to be performed are described in the rate.

11 | J. Contracts for the support of, or for services by, Youth
12 | Services Agencies shall be negotiated in the following manner:

13 | 1. The local board of the Youth Services Agency, based upon its
14 | knowledge and assessment of the needs of the community, shall
15 | prepare and present to the Office of Juvenile Affairs a proposal to
16 | provide community-based services to juveniles and families in the
17 | youth services service area in which it is located. The proposal
18 | shall be specific in terms of its program objectives and goals and
19 | the services the Youth Services Agency proposes to render;

20 | 2. Upon receipt of the proposal of the Youth Services Agency,
21 | the Office of Juvenile Affairs shall determine if the proposal meets
22 | the criteria adopted by the Board of Juvenile Affairs in the State
23 | Plan for Youth Services Agencies and, within the resources
24 | available, meets the need for community-based services in the youth

1 services service area. If no State Plan for Youth Services exists,
2 the proposal shall be deemed to meet the need for community-based
3 services in the youth services area;

4 3. Contracts shall require performance of a specific service or
5 services to be performed. Where the services cannot be broken down
6 into units, specifically measurable and reviewable services shall be
7 stated. Contracts may contain requirements of performance based
8 upon measurable quality outcome indicators. Documentation required
9 for monitoring and evaluation of the contract shall be consistent
10 with the terms of the contract, shall be in accordance with
11 generally accepted governmental accounting practices, and so far as
12 possible, sufficient for the Office of Juvenile Affairs to monitor
13 the performance of the contract without being overly burdensome to
14 the Youth Services Agency. The documentation to be required is the
15 proper subject of negotiation as part of the contracts, and the
16 parties may rely on the Office of Management and Enterprise Services
17 for assistance if they are unable to reach agreement;

18 4. The Office of Juvenile Affairs and the Youth Services Agency
19 shall negotiate the final terms and enter into the contract. Youth
20 Services Agencies may authorize the Oklahoma Association of Youth
21 Services or another Oklahoma nonprofit corporation, whose membership
22 consists solely of Youth Services Agencies and of whom at least a
23 majority of Youth Services Agencies are members, to negotiate on
24 their behalf; and

1 5. The Office of Juvenile Affairs and a Youth Services Agency
2 may agree to extend their fiscal year 2006 contracts for a period
3 not to exceed one (1) year in order to implement the provisions of
4 this subsection. The amount of money in the contracts may be
5 amended to reflect any change in the money appropriated for fiscal
6 year 2007 for community-based service agencies.

7 K. Contracts with Youth Services Agencies for community-based
8 services shall be for a period of twelve (12) months, beginning at
9 the first of each fiscal year, and renewable on an annual basis.
10 Contracts shall be considered during the third and fourth quarter of
11 the fiscal year for contracting the following year. Consideration
12 for renewal shall include a review of the performance of the current
13 contract including the annual peer review. If the Office of
14 Juvenile Affairs determines the contractual relationship shall be
15 renewed, it shall be in a new contract for the upcoming fiscal year
16 and may or may not contain the same terms, conditions, form and
17 format as the previous contract. Any change from the contract of
18 the previous year that is proposed by the Youth Services Agency or
19 the Office of Juvenile Affairs shall be the subject of negotiation
20 at the request of either party.

21 L. The Oklahoma Association of Youth Services, or another
22 Oklahoma nonprofit corporation whose membership consists solely of
23 Youth Services Agencies and of whom at least a majority of Youth
24 Services Agencies are members may provide technical assistance to

1 the Youth Services Agencies in the preparation and presentation of
2 their proposals or negotiations as requested by a Youth Services
3 Agency.

4 M. The Office of Juvenile Affairs is authorized to contract
5 with the Oklahoma Association of Youth Services or another Oklahoma
6 nonprofit corporation whose membership consists solely of Youth
7 Services Agencies and of whom at least a majority of Youth Services
8 Agencies are members for evaluation, training and program materials
9 and for statewide office support, including rental of office space
10 and general technical assistance for Youth Services Agencies with
11 which the Office of Juvenile Affairs has contracts.

12 SECTION 2. This act shall become effective November 1, 2023.

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14 59-1-5236 CMA 12/28/22

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